

**H.R. 360: “Native American Housing Assistance and Self-Determination
Reauthorization of 2015”
Section by Section**

Title I- Block Grants and Grant Requirements

Section 101: Block Grants. Amends 25 U.S.C. 4111 to provide that the Secretary of the Department of Housing and Urban Development shall act on a waiver request within 60 days of its submission.

Section 102: Indian Housing Plans. Amends 25 U.S.C. 4112 to require the Secretary to study and recommend to Congress standards and procedures to streamline and simplify Indian Housing Plans. Including within these recommendations should be procedures for waivers by the Secretary to provide multi-year Housing Plans.

Section 103: Environmental Review. Amends 25 U.S.C. 4115 to provide for consolidation of environmental review requirements and provides that a single environmental review carried out under NAHASDA would meet and discharge all other applicable requirements that might apply to the use of such additional federal funding sources for that project.

Additionally, this section requires the Secretary act on waiver submissions within 60 days of receipt.

Section 104: Failure to Act on Request for Approval Regarding Exceeding TDC Maximum Costs for Project. Establishes a 60 days period in which HUD shall act on a recipient’s waiver requests to exceed the 10% maximum of total development cost.

Background: Total Development Cost (TDC) limits are published periodically by HUD and establish the maximum amount of funds (from all sources) that the recipient may use to develop or acquire/rehabilitate affordable housing. Without a waiver from HUD, NAHASDA recipients may not exceed by more than 10 percent the TDC maximum cost for the project.

Title II- Affordable Housing Activities

Section 201: National Objectives and Eligible Families. Amends 25 U.S.C. 4131(b) to clarify that housing plans of block grant recipients may include preferences for housing and housing assistance for tribal members and other Indian families exempting tribes from section 3 of the Housing and Urban Development Act of 1968.

Sec. 3 requires Public Housing Authorities to prioritize hiring and contracting with low income individuals. It does not prioritize the hiring of tribal companies – causing non-tribal companies often being awarded contracts.

Section 202: Program Requirements. Amends 25 U.S.C. 4133 to clarify that the Act’s minimum rent requirement do not apply if a tribe has a written policy governing rents or

homebuyer payments charged for housing units, and such policy includes a provision governing maximum rents or homebuyer payments.

Section 203: Low –Income Requirement and Income Targeting Amends 25 U.S.C. 4135 adds paragraph (E) to clarify that housing may still be considered “affordable” in cases where a low-income family may rent the unit at the outset of the tenancy, and thereafter convert to homebuyer or lease-to-purchase status.

This section also requires the Secretary to issue regulations governing the phrase “binding commitments for the remaining useful life of the property.” Finally, section 204 amends subsection (c) clarifying that binding commitments language does not apply to privately-owned homes when improvements made are less than 10% of the area’s maximum TDC.

Section 204: Lease Requirements and Tenant Selection. Amends 25 U.S.C. 4137 by adding a new subsection (c) to clarify that, in cases where rental housing is assisted in part with NAHASDA funds and in part with other federal funds, the owner or manager of the housing shall only utilize leases that require a specific notice period prior to the termination of the lease pursuant.

Section 205: Tribal Coordination of Agency Funding. Language is added to allow NAHASDA recipients to use funding from the Indian Health Services for the construction of sanitation facilities for construction of sanitation facilities for housing construction and renovation projects.

Title III – Allocation of Grant Amounts

Section 301: Authorization of Appropriations Authorize \$650 million per year for five years.

Section 302: Treatment of Undisbursed Block Grant Amounts Authorizes the Secretary to recoup unexpended funds that exceed 3 times a yearly allocation for a recipient. This section provides a process by which recipients exceeding the max have the ability to show due diligence to the Secretary prior to recoupment and excludes any recipient who receives less than \$5 million annually.

Title IV – Compliance, Audits, and Reports

Section 401: Review and Audit by Secretary Amends 25 U.S.C. 4165(c) to direct the Secretary to provide tribes with a timely response to their justifications for inadequacies and insufficiencies highlighted by the agency.

Section 402: Reports to Congress 25 U.S.C. 4167 (a), to require the Secretary to provide copies of the required annual report (on progress made in accomplishing the objectives of the Act, and a summary of the use of the Act’s funds) to each tribe and recipient in addition to the Congress.

Title V – Other Housing Assistance for Native Americans

Section 501: HUD-Veterans Affairs Supportive Housing Program for Native American Veterans. Authorizes HUD to create a rental assistance program for Native American Vets modeled on the HUD–Veterans Affairs Supportive Housing (HUD-VASH) program. Would provide a 5% set aside from within the VASH funds for the creation of this program.

Section 502: Loan Guarantees for Indian Housing. Reauthorizes HUD’s Sec 184 and home loan guarantee programs. The yearly authorized levels for the programs are the same as their last enacted levels.

Title VI – Miscellaneous

Section 601: Lands Title Report Commission. Amends the American Homeownership and Economic Opportunity Act of 2000 by eliminating the requirement that appropriations be provided before the Indian Lands Title Report Commission may become operational.

Section 602: Limitation on the use of Funds for Cherokee Nation. Amends the current code to represent the case in US District Court, rather than tribal court. This language provides for a status quo and keeps the Cherokee limitation exemption in place – in line with the US District Courts injunction.

Section 603: Leasehold Interest In Trust or Restricted Lands For Housing Purposes Amends Section 702 to allow for 99 year leases on tribal lands and grandfather current leases into the 99 year requirement.

Title VII – Demonstration Program for Alternative Privatization Authority For Native American Housing

Section 701: Demonstration Program. This section creates a new Title within NAHASDA authorizing the creation of a demonstration project on greater tribal self-determination and private investment when meeting housing needs.

- **Sec. 901: Authority.** Authorizes additional authority to tribes who participate in the demonstration project. Additionally, this section largely exempts tribes who participate from other non-related provisions of the legislation.
- **Sec. 902: Participating Tribes.** Sets forth eligibility for the program, including a cooperative agreement between the participating tribe and HUD.
- **Sec. 903: Request for Quotes and Selection of Investor Partners.** Sets for the process for which the tribe must show due-diligence in selection of an investor group. Included in these steps is an assessment of the housing need on participating tribes land.
- **Sec. 904: Final Plan.** Under the demonstration program, participating tribes shall be required to provide HUD with a completed proposal for construction of housing needs on tribal land, known as a ‘Final Plan.’ This section sets for the requirements of what must

be included within that plan, as well as what requirements shall be made of the investor partnering with the tribe.

- **Sec. 905: HUD Review and Approval of Plan.** Sets forth the review and approval process HUD must follow when communicating with participating tribes. Requires HUD to provide detailed information to tribes who have had their ‘Final Plans’ denied or altered.
- **Sec. 906: Treatment of NAHASDA Allocation.** Prescribes that allocations made to tribes in the demonstration program shall be reserved for use in housing infrastructure, administrative expenses, and equity for private investment.
- **Sec. 907: Resale of Affordable Housing.** Authorizes participating tribes to resell any affordable housing developed under this act, so long the tribe is meeting its affordable housing need, as well as the ability to meet future affordable housing need.
- **Sec. 908: Reports, Audits, and Compliance.** Requires tribes and HUD provide annual reports on the progress of the demonstration project. Additionally, this section requires HUD to conduct random audits of participating tribes.
- **Sec. 909: Termination of Tribal Participation.** Allows tribes to exit the demonstration project at any time. While tribes may leave at any time, they are responsible for obligations agreed to with investors under the demonstration project.
- **Sec. 910: Final Report.** 5-years after the enactment of this act the Secretary shall provide a final report to Congress on the demonstration program.
- **Sec. 911: Definitions.**
- **Sec. 912: Notice.**

Title VIII – Housing For Native Hawaiians

Section 801: Reauthorization of Native Hawaiian Homeownership Act strikes ‘such sums as may be necessary’ and replaces with \$13,000,000 for each of the fiscal years 2015 through 2019.

Section 802: Reauthorization of Loan Guarantees for Native Hawaiian Housing Amends 12 USC 1715z-13b(j)(5)) by inserting ‘authorized to appropriate for such costs \$386,000 for each of fiscal years 2015 through 2019.

This section also amends (2) in subparagraph (c) by striking after “for each of fiscal years” and insert “for each of fiscal years 2015 through 2019 with an aggregate outstanding principal amount not exceeding \$41,504,00 for each such fiscal year.”